

Order

Michigan Supreme Court
Lansing, Michigan

January 14, 2022

Bridget M. McCormack,
Chief Justice

161589

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 161589
COA: 344603
Macomb CC: 2015-003884-FC

ROBERTO MARCELLO DUPREE,
Defendant-Appellant.

By order of April 2, 2021, the prosecuting attorney was directed to answer the application for leave to appeal the February 6, 2020 judgment of the Court of Appeals. On order of the Court, the answer having been received, the application for leave to appeal is again considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

We further ORDER the Macomb Circuit Court, in accordance with Administrative Order 2003-03, to determine whether the defendant is indigent and, if so, to appoint attorney Gary D. Strauss, if feasible, to represent the defendant in this Court. If this appointment is not feasible, the trial court shall appoint other counsel to represent the defendant in this Court.

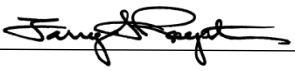
The appellant shall file a supplemental brief within 42 days of the date of the order appointing counsel or by March 28, 2022, whichever is later, addressing whether the defendant was properly assigned 15 points for Offense Variable (OV) 1 and 5 points for OV 2. The appellant's brief shall be filed by February 28, 2022, with no extensions except upon a showing of good cause. In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellee shall file a supplemental brief within 21 days of being served with the appellant's brief. A reply, if any, must be filed by the appellant within 14 days of being served with the appellee's brief. The parties should not submit mere restatements of their application papers.



m0111

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 14, 2022


Clerk